



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,484	03/23/2004	Gary Vacon	160-068	3044
34845 7590 07/21/2009 Anderson Gorecki & Manaras LLP 33 NAGOG PARK ACTON, MA 01720				
EXAMINER NGUYEN, QUYNH H				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
07/21/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

handerson@smmalaw.com
officeadmin@smmalaw.com
cmorrisette@smmalaw.com

Office Action Summary

Application No.

10/807,484

Applicant(s)

VACON ET AL.

Examiner

QUYNH H. NGUYEN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 4/9/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. Applicant's amendment filed 04/09/2009 has been entered. Claims 1-2, and 14, have been amended. No claims have been cancelled. No Claims have been added. Claims 1-18 are still pending in this application, with claims 1, 14, 17, and 18 being Independent claims.

Claim Rejections - 35 USC § 102

3. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hind et al. (US Patent 7,212,828).

As to claim 17, Hind teaches a method of authenticating a client device for inclusion in a wireless network (col. 5, lines 52-55) including the steps of: a memory for storing a table of identities of member devices of the wireless network, wherein the identity of each member device is only stored in the table (Fig. 7; col. 6, lines 24-31); and authenticating the client device if the distance is within a preselected range that is less than maximum communication range of the network (col. 2, lines 40-43; col. 3, lines 16-23; col. 4, lines 36-40; col. 5, lines 52-58).

As to claim 18, Hind teaches in a computer having a memory for storing computer readable program code (col. 9, lines 13-25) including the steps of: responsive to a user action at the client device and at one other device in the wireless network (col. 3, lines 16-18), determining a distance between the client device and the at least one other device in the wireless network (col. 3, lines 16-23; col. 4, lines 36-40); and authenticating the client device if the distance is within a preselected range that is less than maximum communication range of the network (col. 2, lines 40-43; col. 5, lines 52-58).

Claim Rejections - 35 USC § 103

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (US Patent 7,212,828) in view of Gilkes et al. (US Patent 6,700,535).

As to claims 1 and 14, Hind teaches a method of authenticating a client device for inclusion in a wireless network (col. 5, lines 52-55) including the steps of: responsive to a user action at the client device and at one other device in the wireless network (col. 3, lines 16-18), determining a distance between the client device and the at least one other device in the wireless network (col. 3, lines 16-23; col. 4, lines 36-40); and authenticating the client device if the distance is within a preselected range that is less than maximum communication range of the network (col. 2, lines 40-43; col. 5, lines 52-58).

Hind does not explicitly teach transmitting a signal to the client device at less than full power and determining whether the client device responds to that signal.

Gilkes teaches transmitting a signal to the client device at less than full power and determining whether the client device responds to that signal (col. 8, lines 28-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gilkes into the teachings of Hind for the purpose of having a more efficient system by improving the precision of location identification in narrow bandwidth wireless communication systems.

As to claim 2, Hind teaches the user action includes the transmission of the signal to the client device (col. 4, lines 10-12; col. 2, line 50).

As to claim 3, Hind teaches the transmission of a signal to the client device (col. 1, Line 44-48), fails to specifically teach that the above method occurs in response to the depression of at least one button on the client device (Client, Column 1, Line 44). However for Hind to activate synchronization with the WiFi Network, Hind would have to depress the button to turn on the Client Device. At least, this would be an extremely obvious manner to activate a feature. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to utilize a button that would be depressed to turn the Client Device on by Hind. Examiner takes official notice that depressing a button to activate a feature would have been an obvious choice.

As to claim 4, Hind the transmission of a signal to the client device (col. 3, lines 16-23) occurs in response to a radio transmission by the user in the proximity of the client device (col. 2, lines 40-43; col. 5, lines 52-58).

As to claim 5, Hind teaches the radio transmission by the user is performed using the at least one other device in the wireless network (col. 3, lines 16-23).

As to claim 6, Hind teaches at least one other device is a fob (Fig. 1; col. 1, lines 11-12).

As to claim 7, Hind teaches the user action includes the disconnection of power from the client device (col. 3, lines 16-23).

As to claim 8, Hind teaches the step of determining the distance between the client device and the at least one other device includes the steps of waiting for a received a signal from the at least one other device (col. 4, lines 57-60).

As to claim 9, Hind fails to teach waiting for a received a signal from the first member. However, at the time of Hind's invention the Strength of Received Signal or Vector Intersection of Signals (As Used By Hind) methods were both used to measure distances between Transmitters and Receivers. Hind used the Vector Intersection of Signals method, because Hind thought it was more accurate (col. 4, lines 16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to utilize either the Strength of Received Signal or Vector Intersection of Signals to measure distances between Transmitter and Receiver could have been used. Using old and known alternative techniques to accomplish the same result, would have been obvious and does not rise to the level of patentability.

As to claim 10, Hind teaches a method, further including the step of measuring a strength of the signal received from the at least one other device and

associating the strength of the signal with a measured distance [col. 7, lines 63-65 - Locate Wireless Local Area A Network (WLAN) Clients].

As to claim 11, Hind teaches determining whether the measured distance is within the predetermined range of distances (col. 3, lines 5-7; col. 5, lines 52-55).

As to claim 12, Hind teaches identifying a master device (Base Station; Column 4, Lines 25-26) in the wireless network (Base Station; Column 4, Lines 25-26).

As to claim 13, Hind teaches storing an identifier of the client device and the at least one other device in a table (col. 6, lines 24-43) in the client device.

As to claim 15, Gilkes teaches determining a distance operates in response to a strength of the signal (col. 8, lines 20-35).

As to claim 16, Hind fails to teach determining that only one signal is received by the client device in response to the user action. However, at the time of Hind's invention the Strength of Received Signal or Vector Intersection of Signals (As Used By Hind) methods were both used to measure distances between Transmitters and Receivers. Hind used the Vector Intersection of Signals method, because Hind thought it was more accurate (col. 4, lines 16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to utilize either the Strength of Received Signal or Vector Intersection of Signals to measure distances between Transmitter and Receiver could have been used.

Response to Arguments

5. Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 4/9/09 with regard to claims 17-18 have been fully considered but they are not persuasive. Applicant argues that Hind "uses multiple devices to calculate the client location..." and "Claims 1 and 14 thus distinguish Hind. Claims 17 and 18 distinguish Hind for similar reasons". Examiner respectfully submits that Applicant's present invention also use multiple devices: client device and other device. Also note that Claims 17 and 18 do not include the limitation "transmitting a signal to the client device at less than full power and determining whether the client device responds to that signal".

Applicant further argues that the technique recited in claims 1 and 14 is not dependent on a spatial coordinates but rather a one-dimensional distance relative to another device. Examiner respectfully submits that this is irrelevant. Claims 1 and 14 do not recite about dimensional distance or coordinates.

Conclusion

6. Applicant's amendment with regard to claims 1-16 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Application/Control Number: 10/807,484

Page 9

Art Unit: 2614

Primary Examiner, Art Unit 2614